

HON'BLE SRI JUSTICE G. SHYAM PRASAD

CIVIL REVISION PETITION No. 4959 OF 2016

ORDER:

1. This Civil Revision Petition is arising out of the order, dated 18.07.2016, in I.A. No.524 of 2015 in O.S. No.39 of 2011 on the file of the Judge, Family Court-cum-III Additional District Judge, Vizianagaram (for short, 'the trial Court').

2. The revision petitioner herein is the plaintiff, who filed the suit in O.S. No.39 of 2011 against the 1st respondent-1st defendant, who is the alleged foster son of her parents, and 2nd respondent-2nd defendant, who is the son of 1st respondent, for declaration of title and permanent injunction against the respondents. In the said suit, the petitioner filed the instant application, under Order VI Rule 17 of C.P.C., to amend the plaint for adding some items of property, which she could not add at the time of filing of the suit and also for carrying out some typographical mistakes crept in the plaint schedule.

3. The revision petitioner intends to make certain corrections in the survey numbers which are wrongly typed in the plaint schedule and their boundaries. According to her, originally, her father owned an extent of Ac.3.48 cents of land. After the demise of his father, the respondents herein mutated their names and obtained ROR Passbooks in their favour. She further submits that the respondents being the powerful and financially sound have managed entire Revenue Department and, hence, the Revenue Department is not entertaining her applications for grant of certified copies.

4. It is her case that the respondents have influenced the entire Revenue Department, which plea cannot be accepted without any basis. The petitioner stated that she applied for certified copies but the Revenue Department is not supplying the certified copies too cannot be accepted. In which case, she could have applied for the certified copies even through R.T.I. Act also and nothing prevented her to obtain certified copies through R.T.I. Act. Therefore, the plea of the petitioner does not appear to be acceptable. In this regard, the trial Court while dismissing the application has observed as follows in Para 8:

“8. Even though the respondent took a stand that neither he nor the petitioner has right over the petition schedule property, the petitioner did not make any attempt to prove that she is lawfully entitled to seek for amendment and that as contended by the respondent, the petitioner did not file the petition nearly for more than three years and came up with the said petition at a belated stage.”

5. On these grounds, the trial Court has dismissed the amendment petition as the reasons mentioned for the amendment do not inspire confidence.

6. On consideration of the order passed by the trial Court and in view of my foregoing discussion, there are no valid grounds for consideration of this Civil Revision Petition as the amendment application was filed three and half years after filing of the Suit. Hence, the Civil Revision Petition is dismissed.

7. In consequence, miscellaneous petitions, if any, pending in this Revision shall stand dismissed as infructuous.

G. SHYAM PRASAD, J

Date: 20-12-2016.
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HON'BLE SRI JUSTICE G. SHYAM PRASAD

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CIVIL REVISION PETITION No.4959 OF 2016

Date.20-12-2016

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